

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

BRADLEY STEPHEN COHEN, et al.,

Plaintiff(s),

v.

ROSS B. HANSEN, et al.,

Defendant(s).

Case No. 2:12-CV-1401 JCM (PAL)

ORDER

Presently before the court is defendants Ross B. Hansen, Northwest Territorial Mint, LLC, and Steven Earl Firebaugh's motion for a new trial. (Doc. # 342). Plaintiffs have not filed a response.

Also before the court is defendants Ross B. Hansen, Northwest Territorial Mint, LLC, and Steven Earl Firebaugh's motion for an emergency stay pending resolution of the motion for new trial. (Doc. # 344). Plaintiffs Bradley Stephen Cohen and Cohen Asset Management, Inc. have filed a response. (Doc. # 345).

Both of the defendants' motions were submitted and signed by attorney Allen Lichtenstein. (*See* doc. # 342 at 14–15; doc. # 344 at 5–7). Mr. Lichtenstein is not counsel of record for defendants. In fact, prior to the filing of the present motions, his last appearance on the docket in this matter is in the court's order granting his motion to withdraw as counsel. (Doc. # 170). On March 18, 2014, Lichtenstein filed a motion to withdraw based on a fundamental disagreement with defendants. (Doc. # 167). Magistrate Judge Leen subsequently granted that motion. (Doc. # 170).

Under the Federal Rules of Civil Procedure, "[e]very pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney's name." FED. R. CIV. P. 11(a). "The court must strike an unsigned paper unless the omission is promptly corrected after being called to the attorney's or party's attention." *Id.*

1 Mr. Lichtenstein has not made any formal or informal appearance in the case since he  
2 withdrew and has not explained how his fundamental disagreement with defendants has been  
3 suddenly resolved. He is not an attorney of record in this case, and the motions are therefore  
4 unsigned for the purposes of FRCP 11(a). Furthermore, defendants and their actual attorneys of  
5 record have been on notice that their motions were not signed by an attorney of record for at least  
6 two days (*see* doc. # 345) and have not “promptly” corrected the deficiency.

7 Accordingly, the court will strike defendants’ motions without prejudice to refile by an  
8 attorney of record in this case.

9 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendants Ross B.  
10 Hansen, Northwest Territorial Mint, LLC, and Steven Earl Firebaugh’s motion for a new trial (doc.  
11 # 342) be, and the same hereby is, STRICKEN from the record, consistent with the foregoing.

12 IT IS FURTHER ORDERED defendants Ross B. Hansen, Northwest Territorial Mint,  
13 LLC, and Steven Earl Firebaugh’s motion for an emergency stay pending resolution of the motion  
14 for new trial (doc. # 344) be, and the same hereby is, STRICKEN from the record, consistent with  
15 the foregoing.

16 DATED March 18, 2016.

17   
18 UNITED STATES DISTRICT JUDGE  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28